



ARNOLD & PORTER

1634

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January 29, 2003

Commissioner for Patents
Washington, D.C. 20231

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JAN 31 2003

TECH CENTER 1600/2900

Attn: Box Non-Fee Amendment

Re: U.S. Patent Application No. 09/702,134
Filed: October 31, 2000
Title: Plant Genome Sequences and Uses Thereof
Inventors: Andrey A. BOUKHAROV *et al.*
Atty. Docket: 16517.114

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Response to Notice of Non-Responsive Response to Election Requirement; and
2. Return postcard.

Please stamp the postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.114. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Holly Logue Prutz (Reg. No. 47,755)
June E. Cohan (Reg. No. 43,741)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 31 2003

TECH CENTER 1800/2900

In re Patent Application of:

Andrey A. BOUKHAROV *et al.*

Appl. No.: 09/702,134

Filed: October 31, 2000

For: Plant Genome Sequences and Uses
Thereof

Art Unit: 1634

Examiner: Diana B. JOHANNSEN

Atty. Docket: 16517.114

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CD

**Response to Notice of Non-Responsive Response
to Election Requirement**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed December 31, 2002 (Paper Number 8) ("Office Action"), Applicants submit the following response.

Remarks

In the Office Action mailed December 31, 2002, the Examiner has alleged that Applicants' prior response to the Election Requirement, mailed July 2, 2002 (Paper Number 5) ("Election Requirement"), was not fully responsive because it is allegedly "not clear from Applicants' response as to whether applicant wishes to elect SEQ ID NO: 7212 (*i.e.*, a molecule encoding several distinct proteins) or whether applicant wishes to elect nucleic acids encoding a particular protein of Table 1 (nucleic acids encoding gibberellin C-20 oxidase)." Office Action at page 2. The Examiner requires that Applicants' reply to the present Office Action include "an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added." *Id.* at pages 2-3.

Applicants respectfully traverse the assertion that the prior Response to the Election Requirement was non-responsive. In response to the Examiner's requirement that Applicants elect either "a single SEQ ID NO or elect nucleic acids encoding a single protein selected from